

House Daily Reader

Friday, February 14, 2003

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State of South Dakota

SEVENTY-EIGHTH SESSION LEGISLATIVE ASSEMBLY, 2003

490I0359

SENATE ENGROSSED NO. **HB 1081** - 02/12/2003

Introduced by: Representatives Pederson (Gordon) and Hennies and Senators Vitter and McCracken

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to annual elections,
2 conflicts of interest, and special assessments.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 31-12A-15 be amended to read as follows:

5 31-12A-15. In each road district an annual election of officers shall be held on the first
6 Tuesday ~~after the anniversary date of the first election in~~ May at a place in the district as the
7 board of trustees shall designate. The election shall be conducted according to chapter 8-3, at
8 a meeting of the registered voters who reside in the road district.

9 Section 2. That § 31-12A-24 be amended to read as follows:

10 31-12A-24. No trustee or employee of a road district ~~shall~~ may be directly or indirectly
11 interested in any contract, work, or business of the district, or the sale of any article, the expense,
12 price, or cost of which is paid by ~~such~~ the district, nor in the purchase of any real, personal, or
13 other property belonging to the district, or which shall be sold for taxes or assessments, or by
14 virtue of legal process at the suit of ~~said~~ the district. No trustee may be a joint or co-owner of
15 land in the road district with an employee of the same road district.



1 Section 3. That § 31-12A-23 be amended to read as follows:

2 31-12A-23. The board of trustees ~~shall~~ have the power to cause the amount of any charges,
3 and interest and penalties thereon, for road district service rendered or made available to any land
4 within and part of the district, which are due and unpaid on the first day of October in each year
5 to be certified by the clerk of the district to the county auditor in the manner provided in
6 § 10-12-7 together with any taxes levied by the district for corporate purposes, and all amounts
7 so certified shall be inserted by the county auditor upon the tax list of the current year and shall
8 be payable and delinquent at the same time and shall incur penalty and interest and shall be
9 collected by the same procedure as real estate taxes on the same property. In the event of a tax
10 sale or the issuance of a tax deed, the provisions of §§ 9-43-39 to 9-43-41, inclusive, ~~shall~~ apply
11 to all amounts so certified and then delinquent, in the same manner as delinquent installments of
12 special assessments. Five percent of the landowners of the district may petition the board of
13 trustees for referendum of any special assessment. A majority of all the landowners of the road
14 district is required for approval of the special assessment. The referendum shall be governed, to
15 the extent applicable, by chapter 9-20.

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

733I0631

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1187 - 02/12/2003

Introduced by: Representatives Weems, Buckingham, Hennies, Koistinen, Kraus, LaRue, Madsen, Miles, Novstrup, O'Brien, Peterson (Bill), Putnam, Rave, Smidt, Teupel, and Van Etten and Senators Jaspers, Abdallah, Duniphan, Kelly, and Sutton (Dan)

1 FOR AN ACT ENTITLED, An Act to prohibit the use or possession of scanning devices or
2 reencoders with intent to defraud and to provide a penalty therefor.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. Terms used in this Act mean:

5 (1) "Reencoder," an electronic device that places encoded information from the magnetic
6 strip or stripe of a payment card onto the magnetic strip or stripe of a different
7 payment card;

8 (2) "Scanning device," a scanner, reader, or any other electronic device that is used to
9 access, read, scan, obtain, memorize, or store, temporarily or permanently,
10 information encoded on the magnetic strip or stripe of a payment card.

11 Section 2. No person may use a scanning device to access, read, obtain, memorize, or store,
12 temporarily or permanently, information encoded on the magnetic strip or stripe of a payment
13 card with the intent to defraud. A violation of this section is a Class 6 felony.

14 Section 3. No person may use a reencoder to place information encoded on the magnetic



1 strip or stripe of a payment card onto the magnetic strip or stripe of a different card without the
2 permission of the authorized user of the card from which the information is being reencoded and
3 with the intent to defraud. A violation of this section is a Class 6 felony.

4 Section 4. No person may own or possess a scanning device or a reencoder with the intent
5 to use such scanning device or reencoder to defraud. A violation of this section is a Class 1
6 misdemeanor.

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

391I0364

HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **HB 1211** - 02/12/2003

Introduced by: Representatives Bradford, Adelstein, Bartling, Elliott, Engels, Gillespie, Glenski, Hanson, Hennies, Hundstad, Hunhoff, Kroger, Lange, Miles, Nesselhuf, Olson (Mel), Peterson (Jim), Sigdestad, Valandra, and Van Norman and Senators Moore, Abdallah, and Kloucek

1 FOR AN ACT ENTITLED, An Act to allow the housing of prisoners from other jurisdictions
2 on Indian reservations under certain circumstances.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 24-11-3 be amended to read as follows:

5 24-11-3. If there is no jail or juvenile detention facility in the county, or if the jail or juvenile
6 detention facility in the county is crowded, unsafe, or otherwise insufficient to conform to the
7 requirements of this chapter, every judicial or executive officer of the county who has the power
8 to order, sentence, or deliver any person to the county jail or juvenile detention facility may
9 order, sentence, or deliver such person to the jail or juvenile detention facility of any near or
10 adjoining state, Indian reservation, county, organized township, or municipality, pursuant to a
11 written agreement to house such prisoner. The written agreement shall provide that, upon
12 request, the agency housing the prisoner shall provide for the release of the prisoner to the
13 county from which the prisoner was committed. The county from which the prisoner was
14 committed shall pay to the agency housing the prisoner all expenses of keeping and maintaining



- 1 the prisoner in the jail or juvenile detention facility, including the cost of building depreciation,
- 2 administration, and a reasonable charge for obsolescence of the facility and all other tangible and
- 3 intangible costs.

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

592I0732

HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **HB 1260** - 02/12/2003

Introduced by: Representatives Bartling, Cutler, Deadrick (Thomas), Gillespie, Hennies, and Peterson (Jim) and Senators Nachtigal, Albers, Moore, and Napoli

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the release of
2 satisfied liens and to provide an additional remedy for the unjust failure to do so.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 44-3-8 be amended to read as follows:

5 44-3-8. Whenever any mortgage, pledge, or other lien of any kind has been satisfied either
6 by payment, foreclosure, or other legal means, the holder of such lien ~~must within ten days after~~
7 ~~written demand is made by the owner of the property~~ shall, within thirty days of satisfaction,
8 deliver a sworn satisfaction to the debtor. However, immediately upon satisfaction of a lien or
9 at any time thereafter, if the owner of the property makes written demand on the lienholder, the
10 lienholder shall, within ten days of receipt, execute and deliver to such owner the debtor a
11 sufficient satisfaction, discharge, or release to cancel the same lien or any record thereof. Failure
12 If the lienholder fails either to acknowledge satisfaction and discharge the lien within thirty days
13 of satisfaction or fails to execute and deliver such to the owner of the property a satisfaction;
14 discharge, or release shall entitle within ten days of receipt of a proper written demand, the
15 owner of the property is entitled to recover from the person who ~~should have executed the same~~



- 1 failed to comply with the provisions of this section all damages that he or she may have sustained
- 2 thereby, including ~~his~~ attorney's fees and an additional penalty in the sum of one hundred dollars.

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

824I0768

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1282** - 02/12/2003

Introduced by: Representatives Peterson (Bill), Madsen, Michels, and Olson (Mel) and
Senators Bogue, Brown, and Moore

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the official records
2 relating to a pardon.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 24-14-11 be amended to read as follows:

5 24-14-11. Any person who has been granted a pardon under the provisions of this chapter
6 shall be released from all disabilities consequent on ~~such~~ the person's conviction. Upon the
7 granting of a pardon under the provisions of this chapter, the Governor shall order that all official
8 records relating to the pardoned person's arrest, indictment or information, trial, and finding of
9 guilt, ~~and receipt of a pardon~~ shall be sealed. ~~The effect of such order is to restore such~~ The
10 pardon restores the person, in the contemplation of the law, to the status the person occupied
11 before arrest, indictment, or information. No person as to whom such order has been entered
12 may be held thereafter under any provision of any law to be guilty of perjury or of giving a false
13 statement by reason of such person's failure to recite or acknowledge such arrest, indictment,
14 information, or trial in response to any inquiry made of such person for any purpose.

15 For the sole purpose of consideration of the sentence of a defendant for subsequent offenses



1 or the determination of whether the defendant is a habitual offender under chapter 22-7 or 32-23,
2 the pardoned offense shall be considered a prior conviction.

3 The court shall forward a nonpublic record of disposition to the Division of Criminal
4 Investigation. The nonpublic record shall be retained solely for use by law enforcement agencies,
5 prosecuting attorneys, and courts in sentencing such person for any subsequent offense and in
6 determining whether or not, in any subsequent proceeding, the person is an habitual offender
7 under chapter 22-7 or 32-23.

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

174I0648

SENATE ENGROSSED NO. **SB 162** - 02/06/2003

Introduced by: Senators Symens and Diedrich (Larry) and Representatives Peterson (Jim),
Pederson (Gordon), Putnam, and Rhoden

1 FOR AN ACT ENTITLED, An Act to revise the definition of E85 ethanol blend fuel.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That subdivision (11) of § 10-47B-3 be amended to read as follows:

4 (11) "E85," ~~motor fuel blends containing eighty-five percent or more by volume of ethyl~~
5 ~~alcohol~~ a petroleum product that is a blend of agriculturally derived denatured ethanol
6 and gasoline or natural gasoline that typically contains eighty-five percent ethanol by
7 volume, but at a minimum must contain seventy-five percent ethanol by volume. For
8 the purposes of this chapter, the energy content of E85 is considered to be eighty-two
9 thousand BTUs per gallon. E85 produced for use as a motor fuel shall comply with
10 ASTM specification D 5798-99;

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